IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

WP(C).No. 21839 of 2004(Y)

PETITIONER:

SATHEESH KUMAR K.A., TUTOR IN PAINTING (NOW ON LEAVE WITHOUT ALLOWANCES FOR STUDY PURPOSE), DEPARTMENT OF PAINTING, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, MAIN CENTRE, KALADY, RESIDING AT KARYAPARAMBIL HOUSE,KOTTAKKANAL ROAD, NEAR LISSIE HOSPITAL, KOCHI-682 018.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:

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1. SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY, REPRESENTED BY ITS REGISTRAR.

2. THE DIRECTOR, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY.

R1 & R2 BY SRI.K.ANAND, SC, SANSKRIT UTY. SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 21839/04 Y

PETITIONER'S EXHIBITS:

EXT.P1	**TRUE COPY OF SREE SANKARACHARYA UNIVERSITY OF SANSKRIT REGULATIONS, 1997 RELATING TO QUALIFICATIONS OF TEACHERS APPROVED BY THE ACADEMIC COUNCIL ON 8.8.1997.**
EXT.P2	**TRUE COPY OF NOTIFICATION NO.AD/T & NT/100/97/SSUS DATED 5.9.1997 ISSUED BY THE RESPONDENT UNIVERSITY.**
EXT.P3	**TRUE COPY OF OF THE COMMUNICATION DATED JULY, 2003 OF THE UNIVERSITY GRANTS COMMISSION, NEW DELHI TO THE REGISTRAR OF THE RESPONDENT UNIVERSITY.**
EXT.P3(A)	**TRUE COPY OF ORDER NO.AD.A/RMT/T/P-2 DATED 9.12.1997 OF THE SREE SANKARACHARYA UNIVERSITY OF SANSKRIT.**
EXT.P4	**TRUE COPY OF MEMO NO.AD/A1/4524/2002/SSUS DATED 5.7.2002 ISSUED TO PETITIONER BY THE RESPONDENT UNIVERSITY.**
EXT.P5	**TRUE COPY OF REPLY DATED 17.7.2002 FROM PETITIONER TO THE REGISTRAR OF THE RESPONDENT UNIVERSITY.**
EXT.P6	**TRUE COPY OF MEMO NO.AD.A1/45240/02/TTR/SSUS DATED 6.9.2002 ISSUED TO THE PETITIONER BY THE RESPONDENT UNIVERSITY.**
EXT.P7	**TRUE COPY OF REPLY DATED 27.7.2002 SUBMITTED BY PETITIONER TO THE 1ST RESPONDENT.**
EXT.P8	**TRUE COPY OF MEMO NO.AD.A1/4525/02/TTR/SSUS DATED 24.10.2002 ISSUED TO THE PETITIONER BY THE RESPONDENT UNIVERSITY.**
EXT.P9	**TRUE COPY OF REPLY DATED 30.10.2002 SUBMITTED BY PETITIONER TO THE VICE CHANCELLOR OF THE RESPONDENT UNIVERSITY.**
EXT.P10	**TRUE COPY OF LETTER NO.AD.A1/4524/SSUS/TTRS/03 DATED 29.5.2003 FROM THE PROFESSOR OF HINDI IN ADDITIONAL CHARGE OF THE RESPONDENT UNIVERSITY TO THE PETITIONER.**

EXT.P11 **TRUE COPY OF REPLY DATED 12.6.2003 FROM THE PETITIONER TO THE REGISTRAR OF THE RESPONDENT UNIVERSITY.**

EXT.P12 **TRUE COPY OF MEMO NO.AD.A1/4524/SSUS/TTRS/03 DATED 25.8.2003 ISSUED TO THE PETITIONER BY THE PROFESSOR OF HINDI IN ADDITIONAL CHARGE OF REGISTRAR OF THE RESPONDENT UNIVERSITY.**

EXT.P13 **TRUE COPY OF ORDER U.O. NO.AC.AIII/1/RLV-17/2000 DATED 24.3.2004 OF THE MAHATMA GANDHI UNIVERSITY.**

EXT.P14 **TRUE COPY OF JUDGMENT DATED 1.4.2004 IN WP(C) NO.27813/2003 OF THIS HONOURABLE COURT.**

EXT.P15 **TRUE COPY OF ORDER NO.MCK/E1/940/2002(2) DATED 17.4.2004 OF THE RESPONDENT UNIVERSITY.**

EXT.P16 **TRUE COPY OF THE STATEMENT ISSUED BY THE SECRETARY, KERALA KALAMANDALAM SHOWING THE QUALIFICATION OF TEACHING STAFF FOR DEGREE COURSE.**

EXT.P17 **TRUE COPY OF THE REPRESENTATION DATED 28.3.2005 SUBMITTED BY PETITIONER TO THE REGISTRAR, SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 21839 OF 2004 Y

Dated this the 14th December, 2006

JUDGMENT

Petitioner has sought four reliefs. As far as prayers 1 to 3 are concerned, counsel for petitioner submits that they have become infructuous. No Counter Affidavit is filed in this case. Counsel for petitioner submits that petitioner is entitled to study leave under Rule 10 of the Leave Rules recommended by the University Grants Commission, which is referred to in the Writ Petition. In view of the fact that no Counter Affidavit has been filed so far and no decision has been taken in this regard, the Writ Petition is disposed of as follows:

If the petitioner files a representation seeking grant of study leave on full pay for the period from 31.3.2004 to 31.3.2005 before the first respondent within a period of three weeks from today, first respondent will consider the same and take a decision in accordance with law, within a period of six weeks from the date of receipt of the representation.

K. M. JOSEPH, JUDGE

kbk.